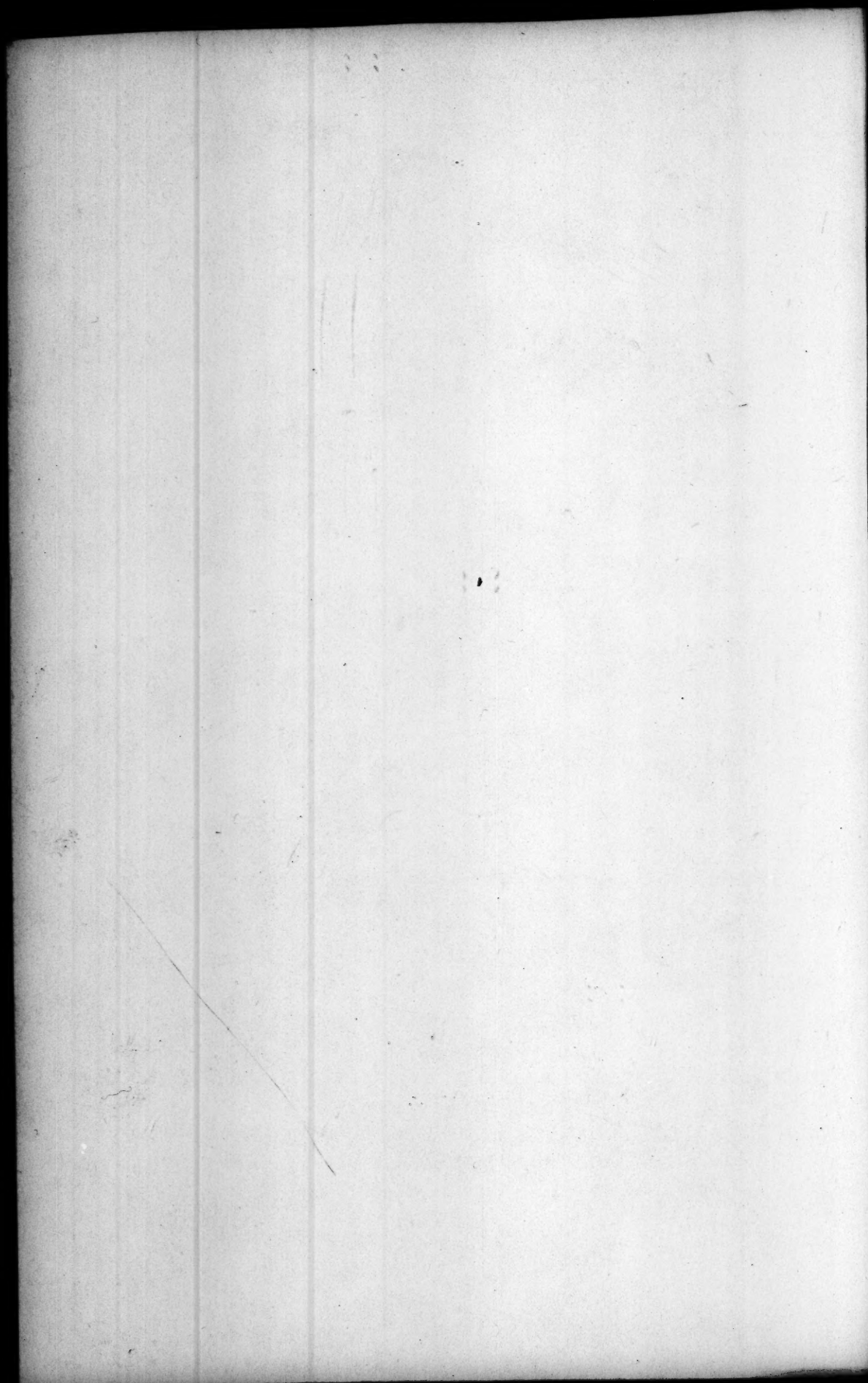








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M, DCC, LXXXIII.

STATUTES



MADRID

BY

THE COMPANY OF MERCHANTS

OF LONDON

AND

MARY, ER & CO

PRINTED BY

WILLIAM BENTLEY

15, BODLEY STREET

ACT OF PARLIAMENT

IN FAVOURS OF THE

MAIDEN HOSPITAL,

FOUNDED BY THE

COMPANY OF MERCHANTS,

AND

MARY ERSKINE.

AT Edinburgh, the twenty-fifth day of March, one thousand seven hundred and seven years, our Sovereign Lady, and Estates of Parliament, considering, that the COMPANY of MERCHANTS of EDINBURGH, and MARY ERSKINE, relict of James Hair drogist in Edinburgh, with the assistance of several noble and generous benefactors, have erected a Hospital for maintaining and educating poor young children of the female sex, and with the money given

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ven by the said Mary Erskine, have purchased and acquired the great lodgings, houses, and yards, in Bristo, for accommodation of the children of the said Hospital: And also considering that the management of the said Hospital is settled on certain Governours, Treasurer, Clerk, and other Officers, conform to certain rules and constitutions agreed upon by the donators and benefactors, a part whereof are contained in a contract past betwixt the present governours of the said Hospital, and the said Mary Erskine, dated the twelfth and thirteenth days of March instant. Therefore her Majesty, and Estates of Parliament, hereby allow and approve of the erection of the foresaid Hospital, and ratify and confirm the same, together with the Rules and Constitutions already made for managing thereof, particularly these contained in the foresaid Contract, with the said Contract itself, together with such Rules and Constitutions as shall hereafter happen to be made, for
the

the better governing and regulating of the said Hospital, and whole concerns thereof, the samen haill Constitutions and Rules being always consistent with the laws of this kingdom, and with the amended Constitutions contained in the said contract, and approven of by the Town Council of Edinburgh. And farther, Her Majesty, and Estates of Parliament, hereby authorize the Governours of the said Hospital to receive all mortifications and donations that shall be made in favours of the samen; approving hereby of the samen, and of all donations and mortifications already made; declaring the said Hospital, in all time coming, to be a free Hospital; and the foresaid great lodging, houles, and yards, and pertinents thereof, in Bristo, purchased and doted for the use of the said Hospital by the said Mary Erskine, to be free of all public burdens whatsoever, for the pious use above mentioned; with power to the Governours thereof, not only to administer

nistrates the funds and rents of the said Hospital with all donations already made ; but likewise to purchase and procure lands and tenements, and others, for the use, benefit, and advantage, of the said Hospital. And, for that effect, to make and grant, give, and receive all manner of writes, deeds, and securities necessary, and to have and use a common seal, with such inscriptions as the Governours shall think fit, for confirmation of the said deeds and writes. And generally to have, use, and enjoy all such powers, liberties, and immunities, as any Hospital hath, or by law may have, within this kingdom. Extracted forth of the records of Parliament, by Sir James Murray of Philiphaugh, one of the Senators of the College of Justice, Clerk to the Parliament, and to her Majesty's Councils, Registers, and Rolls.

Sic subscribitur,

JA. MURRAY.

STATUTES

S T A T U T E S

O F T H E

MERCHANT MAIDEN HOSPITAL

O F

E D I N B U R G H.

IN the Hall of the Hospital in Bristol, the tenth day of February, one thousand seven hundred and eighty-three,

The Donors and Contributors to the Hospital, their Heirs and Representatives, being regularly convened by particular notice, and public advertisement in the Newspapers, the Committee appointed by their last general meeting for

for revising and amending the Rules and Constitutions of the Hospital, conform to the power and faculty reserved to the contributors by the twenty-first chapter, laid before them the following new draught of the Statutes.

STATUTE I.

The Name and Designation of the Hospital.

THIS Charitable Foundation shall be called the MAIDEN HOSPITAL, founded by the COMPANY of MERCHANTS of EDINBURGH, and MARY ERSKINE ; and, in all rights and writings of importance, in which the Hospital is concerned, it shall be described by this designation, and no other.

STATUTE

STATUTE II.

The Governours of the Hospital.

THE Management and Administration of the affairs of the Hospital, and of all the Funds thereof, shall be in the following Council of Governours, viz. the four Old Bailies, and Old Dean of Guild, who serve as such in the Town Council of Edinburgh; three Ministers of the Gospel of Edinburgh or Suburbs, to be elected by the Ministers thereof; the Master of the Merchant Company of Edinburgh; three Assistants of the said Company to be elected by the Master, Assistants, and Treasurer thereof; and nine others, who have been Masters, Assistants, or Treasurers of the Company, or Benefactors to the Hospital, to be elected by a General Meeting of the said Company; the Treasurer of the Hospital, while he serves, without fee or salary;

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and

and, on account of the pious and charitable MARY ERSKINE, two of the name of ERSKINE to be elected and presented yearly, in terms of the contract with her, making in all twenty-four Governours.

The Master of the Merchant Company to be the Ordinary Preses.

Which twenty-four shall be perpetual Governours of the Hospital, for managing and directing all its affairs, with power and authority to choose and appoint a Governess, School-mistresses, and such officers and servants as may be necessary for education of the children and service of the House, and to dismiss them when they shall see cause; to elect the children who are to be admitted into the Hospital, and expell them for misbehaviour; to regulate the diet of the family, and to settle and direct the government thereof; with power also to make rules and bye-laws for the better administration and conducting the business of the Hospital, such

such rules being no way inconsistent with the statutes now ordained.

STATUTE III.

The Election of Governours.

UPON the third Monday of October yearly, the several Societies who have a right to elect Governours, as in the preceding statute, shall choose the respective number of persons aforesaid, and a list of their names shall be given in by the clerk of the Hospital, on the last Monday of October, at a meeting of the Governours for the preceding year.

In respect the old magistrates commence their serving as such, and are exauetorated before the last Monday of October, and that the annual election of office-men of the Merchant Company is some space of time before said day; it is provided, that they who served the
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preceding year shall continue Governours until the last Monday of October yearly.

But none of the persons chosen Governours, as above mentioned, shall enter on the administration, or have any voice or interest in the concerns of the Hospital, until he or they solemnly swear the following oath.

‘ I A. B. do faithfully swear and
 ‘ promise, before God, that, to the
 ‘ best of my knowledge and power, I
 ‘ shall carry and demean myself in all
 ‘ matters which concern the election of
 ‘ the officers and children, or any thing
 ‘ else, belonging to the Maiden Hospi-
 ‘ tal, founded by the Company of Mer-
 ‘ chants of Edinburgh and Mary Er-
 ‘ skine, truly and honestly ; and, if I
 ‘ know any person going about to de-
 ‘ fraud or prejudice the said pious work,
 ‘ I shall obstruct it to my power, and
 ‘ reveal it to the Governours.’

After

After which, such of the former Governours as are not continued, shall be honourably dismissed.

Then the Preses shall exhort the new Governours to make conscience of their duty in the government of the Hospital, and, for that purpose, regularly to attend the quarterly and other Meetings, and to visit the Hospital during the months appointed them; and one of the ministers present shall exhort the Children, the Governess, the Mistresses, and others, having charge of the education of the young people in the Hospital, to attend to their respective duties, faithfully as in the sight of God.

STATUTE IV.

The Meetings and Quorum of the Governours.

FOR the management of the Hospital, and the administration of all its affairs, there shall be seven stated Meet-

Meetings of the Governours yearly, viz. Quarterly Meetings on the third Mondays of January, April, July, and October; the last Monday of October for passing the Treasurer's annual accounts, and receiving the new Governours; and the last Mondays of November and May for electing girls into the Hospital. But the Preses, and, in his absence, the Treasurer, may call other Meetings, as often as the business of the Hospital shall require.

No Meeting of the Governours can proceed to business, unless there shall be present at least eight of their number, including the Preses, who are declared to be a quorum. In absence of the Ordinary Preses, the Old Dean of Guild shall preside; in his absence, the first of the Old Bailies; in absence of all these, a Preses shall be chosen for the time; and, whatever shall be concluded on by a majority of those present, shall stand in full force; the Preses to have
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the first, and, in case of an equality of voices, a casting vote.

All Meetings of the Governours for the business of the Hospital, Committees excepted, shall be held in the Hall appointed for the Governours, unless unavoidably impeded. And all the Governours shall be warned to every Meeting by the Officer of the Merchant Company, who is to serve as Officer to the Hospital, by delivering a billet at each of their dwelling-houses the day before the Meeting at latest. He shall be paid by the Treasurer the quarterly sum of

STATUTE V.

The Election and Duty of Treasurer.

ON the third Monday of October yearly, the Governours of the Hospital shall choose a sufficient Merchant in Edinburgh to be Treasurer of the Hospital

Hospital for one year ; but he may be continued for two or more years, if the Governours think fit to elect him of new yearly. Before he is admitted to the exercise of his office, he shall solemnly swear the oath following :

‘ I A. B. elected Treasurer to the
‘ Maiden Hospital, founded by the
‘ Company of Merchants in Edinburgh
‘ and Mary Erskine, do swear, and
‘ faithfully promise, with my best skill
‘ and power, to discharge all that is re-
‘ quired of me by the Statutes of the
‘ said Hospital, truly and honestly. So
‘ help me God.’

The Treasurer's office is to receive all the Hospital's rents, and interest of money ; to keep all the stock and money belonging to the Hospital ; and to uplift and re-employ principal sums, as directed by the Governours ; to pay all wages and salaries due from the Hospital ; to provide and pay all necessaries
for

for the Children and the House ; to furnish the Governess with money for buying provisions, and to take in her account thereof monthly ; to attend to the repairs of the building ; to observe the conduct of the Governess, Mistresses, and Servants ; and, if necessary, report his opinion thereof to the Governours of the Hospital.

He shall make out the accounts of his payments quarterly, fairly written in a book, which he shall deliver to the Auditors, so as they may examine the accounts, and, with their reports, lay them before the Governours at the Quarterly Meetings, for approbation, and to be allowed in his Annual Account. He shall also make out and deliver to the Auditors the whole Account of his year's intromissions with the Stock and Revenue of the Hospital, to be examined and reported by them to the Governours, at their meeting on the last Monday of October ; and, after that Account and Report are approved by

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the Governours, they shall discharge the Treasurer of his intromissions, the Account and Report shall be fully copied into the record of the Treasurer's Accounts, and, in case of a change, signed by the Treasurer accounting, and his successor in office; the discharged Account to remain with the Old Treasurer for his exoneration. The Governours shall finish their approbation of said Account before the admission of their Successors, that the Treasurer's Accounts may be judged by those who knew how he has acted. At his removal, he shall deliver up to the succeeding Treasurer all the Accounts and Papers belonging to his office, together with all the Rights and Writings of every sort that belong to, or any way concern the Hospital; of which Writings and Papers two inventories shall be made and signed by the Old and New Treasurers, one to be kept by each of them.

IF

If the Treasurer shall die, or be removed, before the annual expiration of his office, the Governours shall, within a month after his death, or removal, elect another, according to the terms of this Statute.

STATUTE VI.

The Election and Duty of Auditors.

ON the last Monday of October yearly, the new Governours of the Hospital shall choose four Auditors of the Treasurer's and all other Accounts which concern the Hospital; of which Auditors, one shall be an old magistrate, one a minister, and two others, all Governours for the time, who shall take the same oath as the Treasurer, *mutatis mutandis*; and, if any one of them shall not accept, or happen to die, the Governours, at their first meeting there-

thereafter, shall elect another in his stead.

The Auditors, or any two of them, shall examine the Treasurer's Quarterly Accounts at the end of every quarter, and deliver to the Governours, at each Quarterly Meeting, the Account for the three last months, written in a Book, containing all the particular sums paid during that time, with their report thereon subscribed, which shall be publicly read, the Account either comptrolled or allowed, and the approbation thereof signed by the Preses and Clerk, with these words: ' By order of the Governours.' On the last Monday of October yearly, the Auditors shall deliver to the Governours in Council the Account of the Treasurer's intromissions for the whole preceding year, with their report thereon, which shall be read publicly, and the Account comptrolled or allowed, as the Quarterly Accounts. The benefactors to the Hospital, their heirs and representatives, may,

may, if they please, be present at auditing the Treasurer's Accounts.

STATUTE VII.

The Election, Office, and Duty of a Clerk.

THE Clerk of the Hospital shall be chosen by the Governours, and continue in office during their pleasure only. His office and duty is to keep in order all the Writings and Papers belonging to the Hospital, to attend the Governours at their meetings, to minute their sederunts, to draw their orders and resolutions, and to keep a clear and distinct record or digest of all their proceedings, marking down in the margin of each sederunt every thing material done at the meeting. He shall have the benefit of drawing all manner of securities and writings which shall occur in the course of the business, and shall receive

receive no greater fee than is usually paid to the writers to the signet, or town clerks of Edinburgh, in like cases. Before his admission to the office, he shall take the oath *de fidei*, the same as the Treasurer. Upon his death or removal, the Governours shall proceed within a month to the election of another Clerk, in terms of this Statute. He shall be paid quarterly the sum of

STATUTE VIII.

The Election, Qualifications, Charge, and Duty of Governess.

AN unmarried woman of good character, and of the established religion of the country, shall be chosen Governess of the Hospital. She must be free of the burden of Children, not under thirty-five, nor above fifty years of age, and well qualified for all the duties of the office. She shall have the charge

charge and superintendance of the whole house and family, and be accountable for her management to the Governours. In this she shall strictly observe the Rules for the government and order of the House appointed by the Governours of the Hospital the twenty-seventh day of May seventeen hundred and seventy-six, or such other Rules as they shall afterwards ordain. That, after considering the Statutes and Rules of the Hospital, a copy of which shall be previously given her, she shall, in the presence of the Governours, solemnly take the following oath :

‘ I A. B. elected Governess of the
 ‘ Maiden Hospital founded by the Com-
 ‘ pany of Merchants of Edinburgh and
 ‘ Mary Erskine, do swear, and faithfully
 ‘ promise, before God, that, to the best
 ‘ of my power, I shall discharge all that
 ‘ the Statutes and Rules of the Hospi-
 ‘ tal require of me, and shall do my
 ‘ best to see them observed by all o-
 ‘ thers

'thers under my care and inspection ;
 ' and I promise faithful obedience to the
 ' present Governours of the Hospital,
 ' and their successors in office.'

After which, she shall, in the presence of the Mistresses, Children, and Servants, be publicly declared Governess over them, and they commanded to yield her, all respectful obedience, on pain of being expelled the Hospital.

She having the whole charge of the House committed to her, shall keep an exact Inventory of the household furniture and linens, and deliver the same to the Treasurer, before making up his annual Accounts. She shall be also careful to keep the furniture, with all the apartments of the house, neat, clean, and in good order, and shall not be any night out of the Hospital without leave of the Preses, or the Treasurer, or two of the Governours.

If, at any time, the Governess shall marry, her place shall thereby become void.

void. The Governour may also remove her from her office at any time, and for any cause they think she deserves to be dismissed. If, through infirmity, old age, or otherwise, she shall become unable to discharge her duty, which shall be made unquestionably to appear to the Governours, then she shall be respectfully dismissed from her office; but, if she hath served in it any considerable time, ten years at least, and be not able to maintain herself, she shall be allowed suitable lodging and maintenance in the Hospital during life, or, in the option of the Governours, such an annual pension, out of the House, as they shall judge proper.

In case of a vacancy in this office, the Governours shall, with all convenient expedition, inquire after and elect a new Governess. She shall be paid quarterly the sum of

D S T A T U T E

S T A T U T E IX.

*The Qualifications, Election, and Duty of
the Schoolmistresses.*

TH E R E shall be chosen as many Schoolmistresses as the Governours think the number of girls in the House require. They must be unmarried, free of the burden of children, not under twenty-five, nor above forty years of age, of good character, of the established religion of the country, and well qualified for all the duties of their office. They shall teach the children to read, to sew coloured and white seam, the washing and dressing of linsens, and such other parts of education as belong to their different departments, and are pointed out to them by the Governours. They shall also have an eye over the morals and manners of the children, and correct those under their care for their faults. They shall
be

be careful to see the schools and chambers kept clean, and in good order, and the children neat and clean in their persons and clothes. They shall strictly observe the Rules appointed by the Governours for the management and order of the House, and, in all the duties of their office, shall be subject to the direction of the Governess, to whom they must give a respectful obedience, and set an example thereof to the children and servants.

The Schoolmistresses may be dismissed in the same manner as the Governess; and their office shall become void on marriage. In like manner, they may be rewarded for long and faithful service, of twenty years at least, if the Governour shall think fit. On the marriage, dismissal, or death of a Schoolmistress, the Governours shall inquire after and elect another with all proper expedition. Each Mistress shall be paid quarterly the sum of

S T A T U T E X.

A Master, or Masters, to teach Writing and Arithmetic, Church Music, and Reading. A Chaplain, to say Prayers, and catechise the Children.

AS, from the increased number of girls now in the House, it is found impracticable for the Governess or Mistresses faithfully to discharge their respective duties, and, at the same time, to teach them to write and to cast accounts, to sing church-music, and to read with propriety, the Governours may therefore choose Masters for these different branches of education, to attend at such hours as they shall judge proper. The teacher of writing and arithmetic shall be paid quarterly the sum of and the teacher of church-music and reading the sum of

For the same reason, the Governours may choose a Chaplain regularly to say prayers

prayers in the Hospital, and also to catechise and instruct the children in the principles of religion, in such days, and at such hours, as they shall appoint. He shall be paid quarterly the sum of

Neither the Teaching Masters nor Chaplain shall reside in the Hospital.

STATUTE XI.

The Qualifications and Election of Poor Children.

THERE shall be chosen and admitted into the Hospital so many Girls as the stated and certain revenue shall be able to maintain and educate, with the reservation after provided. They shall be the children or grandchildren of such who are or were merchants, burghesses of Edinburgh, or ministers of Edinburgh, Canongate, Leith, or West Church, or who have been Governours of, or benefactors

nefactors to the Hospital ; reserving to Patrons their right of presenting any Girls who are objects of charity, unless, by the patronage, it be otherwise restricted, providing they present within a year after every vacancy, otherwise the presentation shall fall *pro ista vice*, and the Governours may elect a Girl to supply the vacancy, qualified as above expressed.

It is provided, that no girls be chosen or presented, either on patronage, or otherwise, who are under seven, or above eleven years of age. They must be wholesome, and sound in body and mind at their entry to the Hospital ; and, seeing the intention of this foundation is only to relieve the poor, none are to be chosen or admitted, until it is certified to the Governours that the parents are unable to maintain them, or that the children have not whereupon to maintain themselves ; and the Governours are strictly required, on their consciences, to choose none but such as
are

are objects of this charity. It is also specially recommended to the Governours, not to receive into the Hospital a greater number of children than they can reasonably suppose the stated and clear revenue will easily maintain and educate, after the reservation of a certain part thereof, to be added to stock, for incidental expences, and for building a new Hospital, when found necessary, as the present House is very old.

The ordinary election of Girls shall be twice in the year, viz. the last Mondays of November and May, when it is to be considered by the Governours what vacancies there are, and how many the certain and stated revenue of the Hospital, making a reserve as above, is able to maintain, that so many, qualified as above expressed, may be chosen. They shall have lodging, diet, clothing, washing, and common fires allowed them, besides education, suitable to the design of this charitable institution.

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The Girls may continue in the Hospital until they are seventeen years of age, and no longer ; but, should any of them be guilty of any immorality or misbehaviour, or be disobedient to the Mistresses, they may be put out of the Hospital, if the Governours shall think they deserve to be expelled.

It is appointed and declared, that the ministers of Edinburgh, Canongate, Leith, and West Church, who have been very instrumental in promoting the interest of the Hospital, and their successors in office, shall jointly have the presentation of two girls in all time coming ; the one unlimited, the other limited to a daughter or grand-daughter of a merchant-burgess of Edinburgh, or minister of the church of Scotland. And it is likewise hereby declared, that the successors of the worthy Mary Erskine shall, in all time coming, have the presentation of four girls, qualified in terms of the contract before mentioned.

S T A T U T E

S T A T U T E XII.

*For securing the Stock and Estate, and
safe keeping of Rights and Writings
belonging to the Hospital.*

IN respect frequent losses fall out in
lending money, it is appointed that
no money belonging to the Hospital
shall be laid out or employed, but by
warrant of the Governours, voted by
way of balloting, and that either for
purchasing land, or on sufficient heri-
table bonds, or to the city of Edin-
burgh, on the public security, or to
two or more responsible persons, bound,
conjunctly and severally, provided the
sum lent to them do not exceed five
hundred pounds Sterling.

And that the rights, securities, and
other writings, may be safe, and kept
in good order, it is appointed that they
shall be lodged in the prems now fitted

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up,

up, fire proof, in the New Hall of the Hospital.

STATUTE XIII.

The Salaries due from the Hospital.

THE Salaries of the Clerk and Officer, of the Governess, Schoolmistresses, Teaching Masters, and Chaplain, payable quarterly, and left blank in the Statutes, shall be appointed and filled up by the Governours, after due consideration and experience, of what may be suitable to be allowed for the time, which may be augmented or diminished afterwards, as they shall see cause. And none bearing office, or serving in the Hospital, shall take any gift or perquisite from the children, their parents, or friends, on pain of deprivation.

STATUTE

S T A T U T E XIV.

*Power reserved to the Contributors for
revising and altering the Statutes.*

FOR the better establishing and improving the government of the Hospital, it shall be lawful for the donors and contributors, their heirs and representatives, to meet by themselves or proxies, in the Hall of the Hospital, as often as they shall find it necessary, or be desired by the Governours, for the purpose of revising or altering the Statutes, there being always present at such meetings at least fifteen donors and contributors, whose donations and mortifications amount to twenty thousand pounds Scots; and it shall be lawful for them to reconsider the foresaid Statutes and Rules, and alter or innovate the same, or add thereto, as they shall judge proper, keeping always the original purposes of the Institution in view ;
and

and the articles agreed on between the Governours and Mary Erskine, contained in the contract before mentioned ; providing that such alterations, innovations, or additions, be agreed to by at least two thirds of the persons present, and subscribed by them. And, in case, at any of the said meetings, there shall not be a full quorum, as above mentioned, it shall be lawful to such as have met to adjourn from time to time, until they get a full quorum, and proceed as above.

And it is further ordained, that it shall be competent to the donors and contributors, or one appointed by them, to inspect the accounts and management of the Hospital ; and, for that purpose, the necessary accounts and papers shall lie open to their inspection on the first Monday of November yearly, from the hour of ten in the morning to two o'clock afternoon, in the Hall of the Hospital.

RATIFI-

RATIFICATION OF THE STATUTES.

THE Statutes contained in this and the sixteen preceding pages being read, and deliberately considered, are agreed to, and unanimously approved, by the General Meeting of Donors and Contributors, and appointed to be punctually observed and obeyed by all concerned, as the Rules and Constitutions of the Maiden Hospital founded by the Company of Merchants of Edinburgh and Mary Erskine, to continue in force until altered by a subsequent Meeting of Donors and Contributors, conform to the power and faculty reserved to them by the Fourteenth Statute; Declaring the former Statutes of no force or effect, in time coming, the Statutes now ordained are delivered to the Governours of the Hospital, for the rule

rule of their conduct, in managing all the affairs thereof, and to be printed, together with the act of parliament in favours of the Hospital, and this Ratification ; We Donors and Contributors, and Heirs and Representatives or Donors and Contributors, whose Donations and Mortifications amount to thirty-six thousand four hundred pounds Scots, have subscribed these presents, written by Archibald Burns, clerk to James Forrest writer to the signet, at the Hospital in Bristo, Edinburgh, the tenth day of February one thousand seven hundred and eighty-three years, before these witnesses, the saids James Forrest, and Archibald Burns.

The Principal Statutes, subscribed by all the thirty Contributors present at the Meeting, are lodged with the Hospital Rights and Writings.



